UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/48/387
S/26424
10 September 1993
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the provisional agenda*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 9 September 1993 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith an explanatory memorandum concerning the decision entitled "Situation of human rights in Iraq" adopted on 19 August 1993 by the Subcommission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session (E/CN.4/Sub.2/1993/L.19).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 115 (c) of the provisional agenda, and of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

* A/48/150 and Corr.1.

ANNEX

Explanatory memorandum concerning the decision adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities on 19 August 1993 (E/CN.4/Sub.2/1993/L.19)

On 19 August 1993, at its forty-fifth session, the Subcommission on Prevention of Discrimination and Protection of Minorities adopted its decision E/CN.4/Sub.2/1993/L.19, entitled "Situation of human rights in Iraq".

Iraq affirms that it complies with the principles of the United Nations and the Universal Declaration of Human Rights and is committed to the strengthening of the human rights and fundamental freedoms set forth in the International Covenant on Civil and Political Rights and the International Covenant on Social and Cultural Rights. It views the decision in question as showing disregard for the facts and as a departure from the worthy objectives of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities as the international covenants intended them to be.

Following the decision, it has become clear that the political goals of the group of States maintaining positions hostile to Iraq have also found their way into the work and decisions of the Subcommission on Prevention of Discrimination and Protection of Minorities.

The decision welcomes the proposal of the Commission on Human Rights that human rights monitors be deployed in light of the alleged gravity of the human rights situation in Iraq. It is therefore clear that the Subcommission, like Special Rapporteur van der Stoel, has relied for a major part of its information on the allegations given currency by parties hostile to Iraq, whether States or individuals, without giving itself the trouble of scrutinizing that information.

Iraq has in the past rejected outright the recommendation of Special Rapporteur van der Stoel that human rights monitors should be deployed in the marshland areas. No State that values its sovereignty could agree to the implementation of such a proposal, since such a step would be a clear challenge to its national institutions and laws and a violation of its sovereignty.

The components of the proposed measure are incompatible with the international instruments and conventions that have stressed the principle of sovereignty and non-interference in internal affairs, as guaranteed by Article 2, paragraph 7, of the Charter of the United Nations, to say nothing of the fact that the dangerous character of the proposal goes far beyond human rights issues to allow those States exercising hegemony within the United Nations to return to the era of colonialist domination.

With regard to the references made in the decision to the marshlands area, we affirm that the Government of Iraq is fully intent on ensuring all the requirements for the security and protection of all of its citizens, in accordance with its domestic laws and international commitments, and on doing so in such a way as to secure the civil, political, economic, social and cultural rights of all citizens in all parts of Iraq. While some parts of the marshland

region have seen military activity of one kind or another, Iraq reaffirms that it has not relinquished its duty to pursue into the marshlands area criminals, deserters from military service and infiltrators into Iraqi territory from Iran. Such persons are engaging in all kinds of crimes that harm the people and jeopardize their security and safety, thereby requiring the Iraqi authorities concerned to carry out their duty to eliminate the intimidation and criminality that find a safe refuge in the difficult terrain of the marshes. It is strange that the Subcommission on Prevention of Discrimination and Protection of Minorities should refer to schemes to drain the marshes when this is a matter that has been explained by Iraq on previous occasions. It has stated that the marshes are basically fed by the Euphrates River and that the noticeable paucity of water there has been caused by very low water levels in the Euphrates as a result of the construction and operation of the Keban and Karakaya Dams in Turkey and the Tabqah Dam in Syria and owing to the filling of the Atatürk High Dam in Turkey beginning in 1990. Accordingly, Iraq categorically denies these accusations.

The allegation that there is an internal embargo on the inhabitants of the marshlands is groundless. The Government of Iraq distributes foodstuffs and medicines to residents through agents of the Ministry of Trade who undertake to deliver food rations to them. The Government of Iraq has in the past invited parliamentarians and journalists to visit the area. It seems that the repetition of such charges is no more than an attempt similar to those of Special Rapporteur van der Stoel to assimilate the situation in southern Iraq to that in the north as a basis for the imposition of a species of foreign protection in the southern region on the pretext of protecting human rights.

The Subcommission on Prevention of Discrimination and Protection of Minorities would be better advised to alert the international community to the need to lift the unjust economic embargo imposed on Iraq instead of calling upon it to "facilitate the supply of food and medicines to the civilian population".

The tragic situation as regards food, medicine and health in Iraq is as grave as it is because of the aggression against Iraq and the maintenance of the economic embargo and not because of any failure on the part of Iraq. We should like, in this connection, to call attention to Special Alert No. 237, issued by a joint Food and Agriculture Organization of the United Nations/World Food Programme mission in document FAO/ESC/No. 4960 of 7 July 1993 under the title "FAO/WFP Crop and Food Assessment Mission to Iraq, July 1993", which reveals the gravity of the food and health situation in Iraq.

As for the Subcommission's call to Iraq immediately to abide by Security Council resolutions 706 (1991) and 712 (1991), Iraq would like to state that these are political resolutions whose tenor has no substantive connection with the goals that the Subcommission's decision claims to address. It is no secret that these two resolutions impose political restrictions for reasons that bear no relation to human rights and are incompatible with the principle of the sovereignty of Iraq and its people over the natural resources of the country, which is an established principle of international law. We recall in this connection the stipulation of article 1, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights and the corresponding article of the International Covenant on Civil and Political Rights to the effect that

"All peoples may, for their own ends, freely dispose of their natural wealth and resources ...".

Having expressed its constant readiness to cooperate with the Commission on Human Rights on a logical and objective basis, Iraq feels that the timing of this decision falls within the framework of the endeavours being made by those States presently hostile to Iraq to create a fresh crisis to coincide with the commencement of the talks between Iraq and the United Nations and with the beginning of the forty-eighth session of the United Nations General Assembly.